

7 FAM 120 U.S. CITIZENS MISSING ABROAD

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7 FAM 121 INTRODUCTION

The Department fully recognizes the increasing demand on Foreign Service posts to locate U.S. citizens believed to be missing abroad, many of whom have been out of contact with the inquirer for only a short period of time. It also realizes that many of the requests for searches appear unwarranted and an overreaction to a normal communications gap. Most U.S. citizens who have not traveled extensively do not realize that postal and telephone systems outside the United States often do not function well. When they do not hear from a close friend or relative for a length of time that seems to them unreasonable, they tend to panic and enlist the aid of the Department. The fact that most of these requests favorably resolve themselves is irrelevant to the inquirers; for them, generalities never apply to the specific case at hand.

However, there are numerous cases in which the person is missing or in trouble, and this fact demands that each request, regardless of its apparent merit, absolutely must be treated as a serious concern and given the complete attention of the officer assigned to such duties. The fact that most cases resolve themselves cannot be taken as justification for giving less than full attention to any missing person report.

Welfare and whereabouts cases often are time consuming and difficult, but these and other emergency services for U.S. citizens must be given top priority. The allocation of the post's resources must reflect that priority.

7 FAM 122 INITIAL REQUEST

The consular section may receive the initial request concerning a U.S. citizen believed to be missing abroad directly from a concerned party in the United States, from a concerned party in a consular district, from another Foreign Service post, or from the Department. Whenever a post is contacted directly, the officer who receives the inquiry should be aware of the emotional stress that the inquirer is under. Obtain from the caller sufficient information to allow the post or another post to undertake a meaningful search. Consular personnel must display a great deal of tact and patience in the course of the conversation. The search for the missing person will be made easier when as many facts as possible are obtained from the caller.

Similarly, when the inquirer contacts the Department first, the Citizens Emergency Center (CA/OCS/EMR) will obtain as much information as possible to be relayed to the appropriate post or posts. It is an unfortunate reality that persons who lose track of friends or relatives overseas seldom have the type of information needed to conduct a quick and comprehensive search. The Department will attempt to augment this initial report with passport information, including physical description, but the burden will fall on the consular officer to use imagination and contacts to locate the missing U.S. citizen.

The Department honors only requests from family members, attorneys, and close personal friends. Requests initiated by bill collectors, private investigative firms, and casual acquaintances are not accepted.

7 FAM 123 POST ACTION

a. A Plan

Outlined below are general guidelines to be used in establishing procedures for searching for missing U.S. citizens. Realizing that allowances must be made for local conditions and variances in a post's resources that can be allocated to tracing missing U.S. citizens, these guidelines are intended not as ironclad requirements but as examples of the types of procedures that should be established. The Department strongly urges that such procedures be established after consultations and discussion with the Ambassador or the Deputy Chief of Mission. Increasing public and Congressional scrutiny of Foreign Service performance in this area requires that the Chief of Mission, Deputy Chief of Mission, or principal officer of each post be aware of and approve the mission's plan for assisting in the search for missing U.S. citizens (see sections 7 FAM 101 and 7 FAM 123c).

b. Searches

Upon receipt of the initial request, the responsible officer should check the post's registration and citizenship files to determine if the person sought is known to the post. Inquiries should then be made at any local addresses or with any local contacts provided by the inquirer. Then, in a sequence to be determined by the post, checks should be made of immigration records, local and national police, airlines, hotels, hostels, appropriate social welfare agencies, tourist organizations, and other appropriate sources. The post should check with local police and immigration officials when the initial search based upon the post's files and information provided by the inquirer proves negative.

c. Procedural Steps

Should the post receive a request to search for a U.S. citizen believed to be missing in its consular district, the action officer must pursue the following procedures:

- (1) Check the registration and citizen files located in the consular section for any possible address or telephone number;
- (2) Check with any local contacts or at any local addresses provided by the inquirer;
- (3) Contact the local Bureau of Immigration to determine if it has any record of entry or departure for the person in question;
- (4) Contact the local Police Department (Foreigners Division) to ask if it has any information on the missing person and to alert it to the problem;
- (5) Contact the National Tourist Bureau;
- (6) Check with appropriate hotels;
- (7) Check with airlines; and
- (8) Check with local American leaders and associations.

If these checks fail to produce any information on the missing person and the Department has been informed of this and requests further efforts be made:

- (9) File a formal missing person's report with the Federal Police (if possible);
- (10) Check with the coroner's office for unidentified bodies;
- (11) Place ads with radio stations and newspapers;
- (12) Ask the Peace Corps Director to alert volunteers;
- (13) Follow up any requests to local agencies to ensure that they conduct a thorough investigation; and
- (14) Report to the Department (CA/OCS/EMR) whenever there are any developments or when all possibilities have been exhausted.

Following the guidelines in section 7 FAM 123c , in the majority of cases these steps will either locate the missing persons or provide information that will lead to their whereabouts. There will cases, however, especially when the missing person has been out of touch for some time, in which these initial inquiries do not turn up any trace of the missing person. By then the post will have exhausted many of the inquiries it can make on its own behalf.

Through the local authorities, the post must pursue the search more extensively. At this second level the post should attempt to file a formal missing person's report with the appropriate authorities. Careful checks should be made to determine if there are any unidentified bodies in the custody of local authorities. Notices may be placed on appropriate bulletin boards throughout the consular district, and announcements may be made in the local press and over local radio and television stations. Missionary or Peace Corps radio networks are often useful in reaching remote areas. Inquiries should be made in the local foreign community. The consular officer should cooperate fully with any private investigator the family or friends of the missing person may have engaged. The key is to exhaust completely all possible means of gathering information about the person in question. It is not sufficient to make the obvious inquiries without following up less likely sources.

Although dependent upon local authorities to conduct any physical search or question possible sources of information, the consular officer has a responsibility to monitor their activities in such a manner as to be satisfied that they are doing all that can be reasonably expected. This means that the consular officer will have to meet with appropriate officials, read their reports (if possible), and diplomatically suggest ways or approaches they may overlooked. When the consular officer reports that the post has been unable to develop any information on a missing U.S. citizen, the post must be able to state without hesitation that all reasonable leads were explored without success.

When a post believes that it has located the missing U.S. citizen, the post must satisfy itself that the person found is the person sought. If necessary and feasible, the consular officer should personally interview the located person. Unless that person is in a medical facility and a qualified hospital official states that the U.S. citizen is unable to talk on the telephone or meet with a consular employee, the post should insist on speaking to the U.S. citizen and attempt to arrange a personal interview. If the third party speaking to the U.S. citizen declines to cooperate, the post should request the assistance of local authorities.

While the Department does not wish to intrude into the private affairs of any U.S. citizen, it has a responsibility to determine that this person is actually the person believed to be missing and that the person is not subject to any form of illegal restraint. Any instances in which communications with a U.S. citizen are withheld under suspicious circumstances must be reported immediately to the Department (CA/OCS/EMR).

7 FAM 124 REPORTING ON U.S. CITIZENS MISSING ABROAD

In all cases involving a search for a missing U.S. citizen, the Department (CA/OCS/EMR) must be kept apprised of all significant developments. If post A is looking for someone at the request of post B, the Department must be sent information copies of all telegrams or exchanges of correspondence. Should the initial request to search for a missing U.S. citizen be received directly by a post, the post should send to the Department a telegram describing both the request and the post's actions. Should a post be contacted directly concerning an ongoing search, such contact should be relayed to the Department for its information. Likewise, the Department will keep the posts informed of any significant developments that come to its attention. Both the Department and the posts need all of the information, but for different purposes. By maintaining this two-way communication so that both the posts and the Department are fully aware of the status of the case, both parties will be better able to cope with public inquiries and develop further leads in the search.

Within these general guidelines there are natural intervals when a post should report the status of the search. For instance, after the post checks its files and the addresses of contacts provided by the inquirer, the post should report the results of these checks and the next steps it intends to take. After contacting the local police and immigration officials, the post should inform the Department of these contacts and the results, or when the results can be expected. Should the investigation proceed into the second stage, the Department must be informed of all steps and contacts made by the post and the results. As long as the local authorities are pursuing an investigation, the post should periodically inquire as to the status of the search and report this information.

Such periodic contacts not only enable the post to monitor the efforts of the local authorities but also keep them aware of the post's continued interest. The Department (CA/OCS/EMR) will be responding to continued inquiries by friends and family of the missing person and to Congressional interest. Without these status reports, each such inquiry will necessitate a telegram to the post asking for an update.

7 FAM 125 PRIVACY ACT REQUIREMENTS

Under the provisions of the Privacy Act of 1974 (Public Law 93-579), no information may be released from U.S. Government files without the prior written consent of the individual in question. This places a tremendous burden on consular officers in welfare and whereabouts work because it often is not possible to obtain this prior written consent. Consular officers must be aware of this strict legal requirement and adhere exactly to it except in the most unusual circumstances.

In unusual situations where it is impossible for a consular officer to obtain the prior written authorization, positive oral authorization may be considered to meet the requirements of the Privacy Act. Situations that might be considered sufficient to warrant oral authorization include: those in which the host government restricts travel so that the consular officer and U.S. citizen could not physically exchange the written consent and where the mail service is unreliable or nonexistent; those in which travel facilities prevent easy access and where mail facilities are inadequate; and instances in which the time requirements of the particular emergency are such that written consent would delay the information to such an extent as to render it useless. Should a consular officer become involved in a case in which oral consent is justified, the consular officer may proceed with the oral consent, providing the following steps are taken:

(1) After obtaining positive oral authorization for the release of specific information to a specific individual, the consular officer must insert in the file a memorandum detailing the circumstances which prevented that officer from obtaining the preferred written consent, the nature of the request, and the gist of the conversation in which the U.S. citizen authorized the release of specific information to the named inquirer;

(2) The consular officer must forward copies of the memorandum to the U.S. citizen from whom the oral authorization was received as well as to the Department (CA/OCS/EMR); and

(3) The consular officer must take action at the earliest possible opportunity to obtain subsequent written consent, with copies of such consent to be provided the U.S. citizen and CA/OCS/EMR.

Upon request of the memorandum detailing the reasons why written consent was not obtained, the Department will review the post's action and provide any necessary guidance. Each instance in which oral consent is substituted for written authorization must be separately documented; there will be no blanket exemption. Consular officers are required to make every effort to comply with the provisions of the Privacy Act and may resort to oral authorization only after all other options are considered and proven inadequate.

Should a post have any questions about the Privacy Act, as applied or in general, please consult the Department (CA/OCS/EMR) by telegram (IAGS:CASC), or telephone for guidance and/or clarification.

7 FAM 126 THROUGH 129 UNASSIGNED